

## § 216.92

employee representative before January 1, 1975.

(b) *Tier I reduction.* If an individual is entitled to an annuity as a spouse, divorced spouse or survivor, and is also entitled to an employee annuity, then the tier I component of the spouse, divorced spouse or survivor annuity must be reduced by the amount of the tier I component of the employee annuity. Where the spouse or survivor is entitled to a tier II component, then a portion of this reduction may be restored in the computation of this component.

### § 216.92 Entitlement as a spouse or divorced spouse and as a survivor.

If an individual is entitled to both a spouse or divorced spouse and survivor annuity, only the larger annuity will be paid. However, if the individual so chooses, he or she can receive the smaller annuity rather than the larger annuity.

### § 216.93 Entitlement to more than one survivor annuity.

If an individual is entitled to more than one survivor annuity, only the larger annuity will be paid. However, if the individual so chooses, he or she can receive the smaller annuity rather than the larger annuity.

### § 216.94 Entitlement to more than one divorced spouse annuity.

If an individual is entitled to more than one annuity as a divorced spouse, only the larger annuity will be paid. However, if the individual so chooses, he or she can receive the smaller annuity rather than the larger annuity.

## PART 217—APPLICATION FOR ANNUITY OR LUMP SUM

### Subpart A—General

Sec.

217.1 Introduction.

217.2 Definitions.

217.3 Need to file an application.

### Subpart B—Applications

217.5 When an application is a claim for an annuity or lump sum.

217.6 What is an application filed with the Board.

217.7 Claim filed with the Social Security Administration.

## 20 CFR Ch. II (4–1–02 Edition)

217.8 When one application satisfies the filing requirement for other benefits.

217.9 Effective period of application.

217.10 Application filed after death.

217.11 “Good cause” for delay in filing application.

### Subpart C—Filing An Application

217.15 Where to file.

217.16 Filing date.

217.17 Who may sign an application.

217.18 When application is not acceptable.

217.19 Representative of the claimant selected after application is filed.

217.20 When a written statement is used to establish the filing date.

217.21 Deterred from filing.

### Subpart D—Cancellation of Application

217.25 Who may cancel an application.

217.26 How to cancel an application.

217.27 Effect of cancellation.

### Subpart E—Denial of Application

217.30 Reasons for denial of application.

217.31 Applicant’s right to appeal denial.

AUTHORITY: 45 U.S.C. 231d and 45 U.S.C. 231f.

SOURCE: 47 FR 7647, Feb. 22, 1982, unless otherwise noted.

## Subpart A—General

### § 217.1 Introduction.

This part prescribes how to apply for an annuity or lump-sum payment under this chapter. It contains the rules for the filing and cancellation of an application and the period of time the application is in effect. Eligibility requirements for an annuity and for a lump-sum payment are found respectively in parts 216 and 234 of this chapter.

[54 FR 13363, Apr. 3, 1989]

### § 217.2 Definitions.

The following definitions are used in this part:

*Applicant* means a person who signs an application for an annuity or lump sum for himself or herself or for some other person.

*Application* refers only to a form described in § 217.6.

*Apply* or *file* means to sign a form or statement that the Railroad Retirement Board accepts as an application.